

UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF PUERTO RICO

In re:
THE FINANCIAL OVERSIGHT AND
MANAGEMENT BOARD FOR PUERTO RICO,
as representative of
THE COMMONWEALTH OF PUERTO RICO, *et al.*,
Debtors.¹

PROMESA
Title III
No. 17 BK 3283-LTS
(Jointly Administered)

**URGENT MOTION (A) TO EXTEND DEADLINE FOR FILING PROOFS OF CLAIM AND
(B) TO APPROVE FORM AND MANNER OF NOTICE THEREOF**

To the Honorable United States District Court Judge Laura Taylor Swain:

The Puerto Rico Public Buildings Authority (“PBA” or the “Debtor”), by and through the Financial Oversight and Management Board for Puerto Rico (the “Oversight Board”), as representative for PBA pursuant to Section 315(b) of the Puerto Rico Oversight, Management and Economic Stability Act (“PROMESA”),² hereby respectfully submits this urgent motion (the “Motion”), pursuant to Section 105(a) of Title 11 of the United States Code (the “Bankruptcy Code”),

¹ The Debtors in these Title III Cases, along with each Debtor’s respective Title III case number and the last four (4) digits of each Debtor’s federal tax identification number, as applicable, are the (i) Commonwealth of Puerto Rico (the “Commonwealth”) (Bankruptcy Case No. 17 BK 3283-LTS) (Last Four Digits of Federal Tax ID: 3481); (ii) Puerto Rico Sales Tax Financing Corporation (“COFINA”) (Bankruptcy Case No. 17 BK 3284-LTS) (Last Four Digits of Federal Tax ID: 8474); (iii) Puerto Rico Highways and Transportation Authority (“HTA”) (Bankruptcy Case No. 17 BK 3567-LTS) (Last Four Digits of Federal Tax ID: 3808); (iv) Employees Retirement System of the Government of the Commonwealth of Puerto Rico (“ERS”) (Bankruptcy Case No. 17 BK 3566-LTS) (Last Four Digits of Federal Tax ID: 9686); (v) Puerto Rico Electric Power Authority (“PREPA”) (Bankruptcy Case No. 17 BK 4780-LTS) (Last Four Digits of Federal Tax ID: 3747); and (vi) Puerto Rico Public Buildings Authority (“PBA”, and together with the Commonwealth, COFINA, HTA, ERS, and PREPA, the “Debtors”) (Bankruptcy Case No. 19-BK-5523-LTS) (Last Four Digits of Federal Tax ID: 3801) (Title III case numbers are listed as Bankruptcy Case numbers due to software limitations).

² PROMESA has been codified at 48 U.S.C. §§ 2101-2241.

made applicable to these cases pursuant to PROMESA section 301(a), and Rule 2002(m) of the Federal Rules of Bankruptcy Procedure (the “Bankruptcy Rules”), made applicable to these cases pursuant to PROMESA section 310, for entry of an order, substantially in the form annexed hereto as **Exhibit A** (the “Proposed Order”), (a) extending the deadline for filing proofs of claim and (b) approving form of notice; and in support of this Motion, PBA respectfully states as follows:

JURISDICTION

1. The United States District Court for the District of Puerto Rico has subject matter jurisdiction to consider this matter and the relief requested herein pursuant to PROMESA section 306(a).
2. Venue is proper in this district pursuant to PROMESA section 307(a).

BACKGROUND

3. On March 11, 2020, the Court entered the *Order (A) Establishing Deadlines and Procedures for Filing Proofs of Claim and (B) Approving Form and Manner of Notice Thereof* [ECF No. 55]³ (the “Bar Date Order”).

4. The Bar Date Order set a deadline of 4:00 p.m. (Atlantic Standard Time) on April 30, 2020 for filing proofs of claim (as defined in Bankruptcy Code section 101(5)) against PBA (the “General Bar Date”) on account of (i) claims arising, or deemed to have arisen, prior to September 27, 2019, the commencement date for the PBA Title III case, including, for the avoidance of doubt, claims arising under Bankruptcy Code section 503(b)(9), and (ii) claims asserted by governmental units (as defined in Bankruptcy Code section 101(27)).

5. The Bar Date Order further permitted claimants to file proofs of claim by hand delivery at claims collection centers to be established at various locations on the island of Puerto Rico, as well

³ Unless otherwise noted, all ECF numbers refer to filings in Case No. 19 BK 5523-LTS.

as in Brooklyn, NY (collectively, the “Collection Centers”).

6. On March 15, 2020, in response to the spread of COVID-19 in Puerto Rico, the Governor of Puerto Rico signed the *Executive Order of the Governor of Puerto Rico, Hon. Wanda Vázquez Garced, to Make Viable the Necessary Government and Private Closures to Fight the Effects of Coronavirus (COVID-19) and Control the Risk of Contagion on Our Island*, Administrative Bulletin No. OE-2020-023 (the “Executive Order”). The Executive Order ordered the “closure of all businesses in Puerto Rico as of today, March 15 at 6:00 p.m. until March 30, 2020.”

7. As a result of the mandatory closures of businesses ordered by the Executive Order, the Collection Centers located in Puerto Rico will not open until March 31, 2020. Notwithstanding this delay in the opening of the Collection Centers located in Puerto Rico, creditors will still be able to submit proofs of claim online or through the mail in accordance with the procedures set forth in the Bar Date Order. Prior to March 31, 2020, creditors are encouraged to file proofs of claim utilizing such other means.

RELIEF REQUESTED

8. In light of the fact that the Collection Centers will not open until March 31, 2020, the Debtors submit that a brief extension of the General Bar Date, to and including May 15, 2020 (the “Extended Bar Date”), is appropriate. Accordingly, PBA respectfully requests entry of an order, substantially in the form attached hereto as Exhibit A, granting this brief extension of deadlines and approving PBA’s proposed form of notice thereof.

9. In consenting to this extension, PBA does not waive any arguments, rights, or defenses with respect to any requests to seek allowance of claims filed after the Extended Bar Date. Furthermore, PBA’s consent to a brief extension shall not be deemed or construed as creating or conferring any right upon any persons or entities, or evidence of any willingness or obligation on

PBA's part to consent to any other or further modification of or relief from the Extended Bar Date, as the case may be.

NOTICE

10. PBA has provided notice of this Motion to (collectively, the "Notice Parties"): (a) the Office of the United States Trustee for the District of Puerto Rico; (b) the Fiscal Agent for the Debtor's bonds; (c) the entities on the list of creditors holding the 20 largest unsecured claims against PBA; (d) the Office of the United States Attorney for the District of Puerto Rico; (e) counsel to the Puerto Rico Fiscal Agency and Financial Advisory Authority; (f) the Puerto Rico Department of Justice; and (g) all parties filing a notice of appearance in this Title III Case. PBA submits that, in light of the nature of the relief requested, no other or further notice need be given.

NO PRIOR REQUEST

11. No prior request for the relief sought in this motion has been made to this or any other court.

WHEREFORE PBA respectfully requests entry of an order, substantially in the form attached hereto as Exhibit A, granting the relief requested herein and granting such other relief as is just and proper.

Dated: March 17, 2020

San Juan, Puerto Rico

Respectfully submitted,

/s/ Hermann D. Bauer

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Exhibit A

Proposed Order

UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF PUERTO RICO

In re:
THE FINANCIAL OVERSIGHT AND
MANAGEMENT BOARD FOR PUERTO RICO,
as representative of
THE COMMONWEALTH OF PUERTO RICO, *et al.*,
Debtors.¹

PROMESA
Title III
No. 17 BK 3283-LTS
(Jointly Administered)

**ORDER (A) EXTENDING DEADLINES FOR FILING PROOFS OF CLAIM AND (B)
APPROVING FORM AND MANNER OF NOTICE THEREOF**

Upon the *Urgent Motion (A) To Extend Deadline for Filing Proofs of Claim and (B) To Approve Form and Manner of Notice Thereof* [ECF No. __], dated March 17, 2020 (the “Motion”),² of Puerto Rico Public Buildings Authority (“PBA”) for entry of an order (this “Order”) establishing an extended deadline for filing proofs of claim against PBA; and this Court having jurisdiction over this matter pursuant to PROMESA section 306(a); and it appearing that venue in this district is proper pursuant to PROMESA section 307(a); and the Court having found that the relief requested in the Motion is in the best interests of PBA, its creditors, and other parties in interest; and the Court having found that, based upon the relief requested by the Motion, no other or further notice

¹ The Debtors in these Title III Cases, along with each Debtor’s respective Title III case number and the last four (4) digits of each Debtor’s federal tax identification number, as applicable, are the (i) Commonwealth of Puerto Rico (Bankruptcy Case No. 17-BK-3283- LTS) (Last Four Digits of Federal Tax ID: 3481); (ii) Puerto Rico Sales Tax Financing Corporation (“COFINA”) (Bankruptcy Case No. 17-BK-3284-LTS) (Last Four Digits of Federal Tax ID: 8474); (iii) Puerto Rico Highways and Transportation Authority (“HTA”) (Bankruptcy Case No. 17-BK-3567-LTS) (Last Four Digits of Federal Tax ID: 3808); (iv) Employees Retirement System of the Government of the Commonwealth of Puerto Rico (“ERS”) (Bankruptcy Case No. 17-BK-3566-LTS) (Last Four Digits of Federal Tax ID: 9686); (v) Puerto Rico Electric Power Authority (“PREPA”) (Bankruptcy Case No. 17- BK-4780-LTS) (Last Four Digits of Federal Tax ID: 3747); and (vi) Puerto Rico Public Buildings Authority (“PBA”) (Bankruptcy Case No. 19-BK-5523-LTS) (Last Four Digits of Federal Tax ID: 3801) (Title III case numbers are listed as Bankruptcy Case numbers due to software limitations).

² All capitalized terms used but not otherwise defined herein shall have the meanings ascribed to them in the Motion.

is required; and the Court having determined that the legal and factual bases set forth in the Motion establish just cause for the relief granted herein; and any objections to the relief requested herein having been resolved as set forth herein, or withdrawn or overruled on the merits; and after due deliberation and sufficient cause appearing therefor,

IT IS HEREBY ORDERED THAT:

1. The Motion is granted to the extent set forth herein.
2. The General Bar Date for claimants to submit proofs of claim either electronically, by mail, or by hand delivery, as defined and set forth in the *Order (A) Establishing Deadlines and Procedures for Filing Proofs of Claim and (B) Approving Form and Manner of Notice Thereof* [Case No. 19-5523, ECF No. 55], shall be extended to **4:00 p.m. (Atlantic Standard Time) on May 15, 2020** (the “Extended Bar Date”).
3. In light of closures necessitated by the spread of COVID-19, Puerto Rico-based Collection Centers for claimants to file proofs of claim by hand delivery will not open until March 31, 2020. Claimants who wish to file their proofs of claim before March 31, 2020 are encouraged to file electronically or by mail.
4. In accordance with Bankruptcy Rule 2002, PBA, through Prime Clerk, is authorized and directed to cause a copy of a notice, substantially in the form attached hereto as Attachment 1, to be published once, as soon as practicable under the circumstances after the entry of this Order, in (a) *El Nuevo Día* in Spanish (primary circulation is in Puerto Rico), (b) *Caribbean Business* in English (primary circulation is in Puerto Rico), (c) *El Diario* and *El Nuevo Herald*, both in Spanish (primary circulation is in New York and Miami, respectively, and (d) *The Bond Buyer*.
5. PBA, through Prime Clerk, is authorized and directed to cause no less than fourteen radio advertisements, alerting listeners of the Extended Bar Date, to be aired as soon as practicable

under the circumstances following entry of this Order for a seven-day period, on (a) WMEG FM (contemporary hit radio) in Spanish and (b) WKAQ AM (Spanish language talk radio) in Spanish.

6. The Debtors' proposed form of notice, attached to the Motion as Exhibit B, is approved.

7. This Court retains exclusive jurisdiction with respect to all matters arising from or related to the implementation, interpretation, and enforcement of this Order.

Dated: _____, 2020

Honorable Judge Laura Taylor Swain
United States District Judge

Attachment 1

Form of Publication Notice

UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF PUERTO RICO

In re:

THE FINANCIAL OVERSIGHT AND
MANAGEMENT BOARD FOR PUERTO RICO,

as representative of

THE COMMONWEALTH OF PUERTO RICO, *et al.*

Debtors.

PROMESA
Title III

Case No. 17 BK 3283-LTS

(Jointly Administered)

NOTICE OF EXTENDED DEADLINES FOR FILING PROOFS OF CLAIM

DEADLINE EXTENSION

**TO ALL CREDITORS OF THE DEBTORS, AND TO OTHER PARTIES IN INTEREST,
PLEASE TAKE NOTICE OF THE FOLLOWING:**

On September 27, 2019, the Financial Oversight and Management Board for Puerto Rico (the “Oversight Board”) filed a voluntary petition under section 304(a) of *Puerto Rico Oversight, Management, and Economic Stability Act* (“PROMESA”),¹ initiating a Title III case under PROMESA (a “Title III Case”) for the Puerto Rico Public Buildings Authority (“PBA”), Federal Tax ID No. 3801, Case No. 19 BK 5523. **You may be a creditor of PBA, and you may be required to file a proof of claim (“Proof of Claim”).**

The deadline to file a proof of claim has been extended to May 15, 2020 at 4:00 p.m. (Atlantic Time).

If you have already filed a Proof of Claim, no further action is required unless directed by court order, notice, or otherwise.

Key Points

- In a Title III proceeding under PROMESA, creditors may be required to file claim forms stating the amount of money owed to them as of the day the Title III proceeding was filed. This document explains how to file claims.
- **Many creditors in the Title III Cases are not required to file a claim.** For more information, please refer to Claims Agent’s website at <https://cases.primeclerk.com/puertorico/>, call the Claims Agent at (844) 822-9231 (toll free for U.S. and Puerto Rico) or (646) 486-7944 (for international callers), available 10:00 a.m. to 7:00 p.m. (Atlantic Standard Time) (Spanish available), or email at puertoricoinfo@primeclerk.com.
- **If you are not required to file a claim, you do not need to complete and return a claim form,** and you will still keep your rights to vote on a plan of adjustment and receive payments under the

¹ PROMESA is codified at 48 U.S.C. §§ 2101-2241.

plan. A plan of adjustment is a document that explains how a Debtor proposes to pay the amounts it owes to its creditors. Once filed, this plan will be available for creditors to review. Who gets to vote on the plan will be determined at a later date. The amount you may receive under the plan also will be determined later.

- **If you are required to file a claim against any of the Debtors**, the deadline to do so has been extended to May 15, 2020 at 4:00 p.m., Atlantic Standard Time. To obtain a form that you may use to file your claim, refer to the contact information below.
- Claims may be filed by (a) electronically filing on the Claims Agent's website at <https://cases.primeclerk.com/puertorico/EPOC-Index>, or (b) mail or hand delivery to the addresses provided in Section 6 of this document.
- PLEASE NOTE THAT, in light of the Governor's March 15, 2020 executive order addressing the situation regarding COVID-19, the collection centers at which claimants may file proofs of claim by hand delivery will not open until March 31, 2020. Claimants are encouraged to file proofs of claim electronically or by mail until the opening of the collection centers on March 31, 2020.

After reading this notice, if you require additional information, you may contact the Claims Agent at (844) 822-9231 (toll free for U.S. and Puerto Rico) or (646) 486-7944 (for international callers), available 10:00 a.m. to 7:00 p.m. (Atlantic Standard Time) (Spanish available), or by email at puertoricoinfo@primeclerk.com. Please note that the people answering the phone number are not able to provide legal advice. If you have questions about your legal rights, including whether you need to file a claim, you should talk to an attorney.